

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

99 NOV 29 PM 3:52

U.S. DISTRICT COURT
N.D. OF ALABAMA

LARRY BOWEN, et al., }
 }
Plaintiffs, }
 }
v. }
 }
NORFOLK SOUTHERN CORPORATION, }
 }
Defendant. }
 }

CIVIL ACTION NO.

99-AR-2413-J

JW

ENTERED

NOV 29 1999

MEMORANDUM OPINION

Plaintiffs have complied with the order entered by the court on November 12, 1999, reducing each of their claims to less than \$75,000. *Moore's Federal Practice*, 3d Ed., § 102-108[3][b] provides:

...if several plaintiffs assert claims in a single action against a single defendant that are "separate and distinct," rather than joint, the amount involved in each claim must meet the requisite amount in order to be within the jurisdiction of the district court. Those amounts cannot be aggregated in order to satisfy jurisdictional requirements.

(citing, *Kirklin v. Montgomery Ward & Co., Inc.*, 882 F. Supp. 1020, 1022 (M.D. Ala. 1995)).

Plaintiffs' motion to remand will be granted by separate order.

DONE this 29th day of November, 1999.

William M. Acker, Jr.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE

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